



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/752,251

01/05/2004

Tony J. Alba

S681-J

4015

7590

12/15/2004

Bruce A. Jagger  
BRUNTON & JAGGER  
P.O. Box 29000  
Glendale, CA 91209-9000

EXAMINER

MARTIR, LILYBETT

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/752,251		ALBA, TONY J.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lilybett Martir		2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/5/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 50 and 54. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the coil thread being an internal thread, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

Art Unit: 2855

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazanchan et al. in view of Roley (Pat. 4,185,391).

- With respect to claims 1 and 8, Gazanchan et al. teaches a gauging thread 1, said gauging thread being adapted to threadably engage said threaded component 2 wherein at least enough of said shear load bearing area has worn away to render a threaded component unsafe for

continued use (See Abstract). Gazanchan et al. fails to specifically teach said gauging thread adapted to being unable to threadably engage with said thread when said coil thread is safe for continued use. Roley teaches a wear template mechanism that comprises an apparatus 10 that has a body that comprises a peak 18 that does not engage with the root area 46 when the toothed structure 12 being monitored is not wore as noted in Figure 1 (Col. 1, lines 42-57). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teachings of the threaded template of Gazanchan et al. utilizing the wear template mechanism of Roley by making said gauging thread unable to threadably engage with said thread when said coil thread is safe for continued use therefore increasing the durability and effectiveness of said template by decreasing erroneous readings caused by the gauge itself (Col. 1, lines 23-41).

- With respect to claims 2-3, Gazanchan et al. fails to specifically teach the utilization of his device upon a coil thread that is an internal thread or is an external thread, even though he mentions that his device is used to determine the wear on a thread (See Advantage). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teachings of the threaded template of Gazanchan et al. utilizing the wear template mechanism of Roley by utilizing his device upon a coil thread that is an internal thread or is an

external thread, since either internal or external threads belong to the essential nature or constitution of a thread and their specific utilization only makes a device versatile.

- With respect to claims 4-5, Gazanchan et al. teaches said thread having a nominal new thread profile that is either convex or concave' (note that component 2 has portions which extend outwardly (convex) and inwardly (concave), as noted in the provided Figure).
- With respect to claims 6-7, Gazanchan et al. teaches that his template has different configurations such as A, B or C, which have different sizes and properties (Col. 2, lines 39-64). Gazanchan et al. fails to teach said gauging thread being adapted to threadably engage said coil thread wherein at least approximately 30 percent of said shear load bearing area has been worn away to render said coil thread unsafe for continued use, or said gauging thread being adapted to threadably engage said coil thread wherein at least approximately 50 percent of said shear load bearing area has been worn away to render said coil thread unsafe for continued use. Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teachings of the threaded template of Gazanchan et al. utilizing the wear template

mechanism of Roley by selecting specific dimensions for said template that would allow the accurate determination of a critical or specific value of wear without departing from the scope of said template, therefore making it versatile.

- With respect to claim 9, Gazanchan et al. teaches a gauging thread 1, said gauging thread being adapted to threadably engage said thread 2 (See Abstract and Figure). Gazanchan et al. to teach at least that said gauging thread is adapted to being unable to threadably engage with a coil thread when less than approximately half of said shear load bearing area has been worn away. Roley teaches a wear template mechanism that comprises an apparatus 10 that has a body that comprises a peak 18 that does not engage with the root area 46 when the toothed structure 12 being monitored is not wore as noted in Figure 1 (Col. 1, lines 42-57). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teachings of the threaded template of Gazanchan et al. utilizing the wear template mechanism of Roley by making said gauging thread unable to threadably engage with said thread when said coil thread is safe for continued use therefore increasing the durability and effectiveness of said template by decreasing erroneous readings caused by the gauge itself (Col. 1, lines 23-41).

Art Unit: 2855

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (571)272-2182. The examiner can normally be reached on 9:00 AM to 5:30 PM.


7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571)272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CM

Lilybett Martir  
Examiner  
Art Unit 2855

RCM

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800